

## REMARKS

The current Amendment is being filed in response to the February 6, 2007 Notice of Non-Compliance. For convenience, Applicant restates the basis for these amendments, as first stated in Applicant's previously-filed response to the Office Action dated October 19, 2006.

Claims 1-2 are pending. In the Office Action mailed October 19, 2006, claims 1 and 2 have been rejected under 35 USC 102(e) as anticipated by US Patent No. 6,522,898 to Kohno ("Kohno").

### Rejection under 35 USC 102(e)

In Kohno, a base station receives an identification signal and a communication request signal from a terminal station, and the directivity controller 59 controls the directivity of the antenna based on the weight value which is associated with a specified terminal station as a communication target, from the weight value storage section 49. The weight value is stored in the weight value storage section in advance. See, for example, Kohno, Col. 3, lines 54-57 ("directivity of the antenna for the terminal station is determined by preset weight values for communication between the base station and the identified terminal station") and Col. 4, lines 54-56 ("the directivity controller reads the weigh values associated with the specified terminal station the weight value storage section 49"). Furthermore, in Kohno, the POS terminals are not used while being moved, but once they are located, they are not moved for a relatively long period of time (that is, positional relationship with respect to the base section does not change). (Col. 5, lines 14-24). Thus, optimum directivity is previously determined for every terminal and the POS terminals, for all intents and purposes are fixed. This is not true for the claimed system.

In the claimed system, a base station is provided having "a receiving condition acquisition portion for acquiring a signal from the radio terminal concerning a quality of reception of said radio terminal" and "a directivity control portion for controlling the directivity of said adaptive antenna in response to the quality of reception." Kohno does not disclose nor suggest controlling the directivity of the antenna in response to the quality of reception of the radio terminal, as claimed. Therefore, Kohno does not anticipate claim 1. Since claim 2 depends from claim 1, claim 2 is distinguishable over Kohno for the same reasons.

New claim 3 is similarly distinguishable over Kohno in that it claims controlling the directivity of the antenna in response to the quality of reception of the radio terminal. Claim 4 is distinguishable in its controlling the directivity of the antenna in response to a good data rate control. This is also not shown in Kohno.

#### Drawings

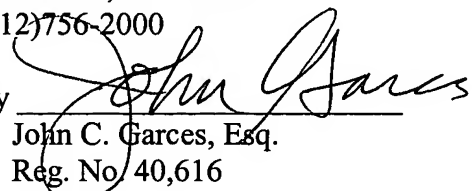
Applicants submitted corrected drawings on January 16, 2007.

The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 848075/0072. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorneys for Applicants  
919 Third Avenue  
New York, NY 10022  
(212)756-2000

By

  
John C. Garces, Esq.  
Reg. No. 40,616

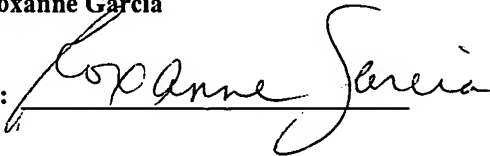
Dated: February 28, 2007  
New York, New York

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Name: Roxanne Garcia

Signature:



Dated: February 28, 2007